

Mark Choate, AK #8011070
Jon Choate, AK #1311093
424 N. Franklin Street
Juneau, Alaska 99801
Tel: (907) 586-4490
Fax: (888) 856-3894
Em: lawyers@choatelawfirm.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

BERTHA FRANULOVICH,

Plaintiff,

vs.

ARAMARK SPORTS AND
ENTERTAINMENT SERVICES, LLC,
D/B/A, GLACIER BAY LODGE,

Defendant.

Case No.

COMPLAINT FOR LOSSES AND HARMS

PLAINTIFF, BERTHA FRANULOVICH, through counsel, the CHOATE LAW FIRM LLC, makes the following Complaint for the losses and harms suffered as a result of a slip and fall caused by the negligence of GLACIER BAY LODGE.

VENUE AND JURISDICTION

1. The statements in this complaint arise from a slip and fall that occurred on August 15, 2016, in Gustavus, Alaska. . Venue is proper in Juneau, Alaska.
2. Plaintiff BERTHA FRANULOVICH is a resident of Washington.

COMPLAINT

Franulovich v. Aramark Sports et al.

Page 1 of 4

3. Defendant ARAMARK SPORTS AND ENTERTAINMENT SERVICES, LLC, d/b/a GLACIER BAY LODGE (“Lodge”) is a Delaware Corporation, registered to do business and doing business in Gustavus, Alaska.

4. This action is brought under the court’s diversity jurisdiction pursuant to 28 U.S.C. § 1332. Plaintiff’s damages exceed \$75,000.00.

CAUSE OF ACTION FOR NEGLIGENCE

5. Plaintiff re-alleges and incorporate by reference each and every allegation in paragraphs 1 through 3 as if fully set forth in this section.

6. On August 15, 2016, BERTHA FRANULOVICH was an invitee on the premises of the LODGE, when she slipped and fell on a dangerously, slippery ramp, sustaining serious personal injury.

7. The LODGE’s negligence was a substantial factor in causing FRANULOVICH to suffer physical injuries.

8. The LODGE’s negligence was a substantial factor in causing FRANULOVICH to suffer mental, physical, and emotional pain, resulting in disability, all to her general damage in a sum which will be shown according to proof.

9. The LODGE’s negligence was a substantial factor in causing FRANULOVICH to incur expenses for medical care, hospitalization, and other incidental expenses, and she will have to incur additional like expenses in the future in amounts presently unknown to her. FRANULOVICH therefore asks leave of the court either to amend her complaint to show the amount of such expenses when ascertained or to prove that amount at time of trial.

10. The LODGE’s negligence was a substantial factor in causing FRANULOVICH to be disabled and she may be disabled in the future and thereby be prevented from attending to the duties

COMPLAINT

Franulovich v. Aramark Sports et al.

Page 2 of 4

of her usual occupation. FRANULOVICH has lost earning capacity and may continue to lose earning capacity in the future, all in amounts presently unknown to her.

DAMAGES

11. As a result of the slip and fall on August 15, 2016, FRANULOVICH suffered physical injuries.

12. Since that date, FRANULOVICH has suffered ongoing pain, restrictions in her movement and activities, and other diminutions in the quality of her life.

13. FRANULOVICH's total damages are within the jurisdictional limits of this court and exceed \$75,000.00.

14. FRANULOVICH's damages include past medical expenses, past wage loss, future medical expenses, future loss of earning capacity, pain, emotional distress, and mental suffering.

15. FRANULOVICH reserves the right to provide further and additional disclosures as to her damages claims as discovery progresses and will either formally amend this complaint, or provide such information in her disclosures.

Wherefore, BERTHA FRANULOVICH seeks judgment as prayed for below.

PRAYER FOR RELIEF

PLAINTIFF prays for judgment against defendant ARAMARK SPORTS AND ENTERTAINMENT SERVICES, LLC, d/b/a, GLACIER BAY LODGE as follows:

1. For past and future special damages according to proof but in excess of \$100,000.00.
2. For general damages according to proof but in excess of \$400,000.00
3. For past and future economic losses according to proof;
4. For punitive damages;
5. For prejudgment and post-judgment interest at the maximum rate allowed by law;

COMPLAINT

Franulovich v. Aramark Sports et al.

Page 3 of 4

6. For attorneys' fees and costs as allowed by law.
7. For such other and further relief as the Court deems just and equitable.
8. For trial by jury on all issues so triable.

Dated this 14th day of August, 2018 at Juneau, Alaska.

CHOATE LAW FIRM LLC
Attorneys for Plaintiff

By: s/Mark Choate
Mark Choate 8011070
Jon Choate 1311093

COMPLAINT

Franulovich v. Aramark Sports et al.

Page 4 of 4